



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q63731

Shigeru YAMAMOTO, et al.

Appln. No.: 09/806,413

Group Art Unit: 1652

Confirmation No.: 8678

Examiner: David J. Steadman

Filed: March 30, 2001

For: NOVEL ENZYME COMPOSITION AND PRODUCTION METHOD AND USE THEREOF

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on

June 2, 2004:

REMARKS

An Examiner's Interview Summary Record (PTO-413) was attached with the Interview Summary dated June 2, 2004.

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration:

None

2. Identification of claims discussed:

Claims 1, 11, and 3 were discussed in detail.

3. Identification of art discussed:

None.

4. Identification of principal proposed amendments:

Addition of hybridization conditions to claims 1 and 11 such that the claims recite polypeptides encoded by nucleic acids that hybridize under specific stringent conditions to SEQ ID NO: 7.

5. Brief Identification of principal arguments:

Claims 1 and 11:

(a) Examiner indicated that recitation of MW of about 51 kDa as determined by sequence-based computer algorithm may result in “new matter” rejection.

(b) Examiner indicated that addition of hybridization limitations to claims 1 and 11 may be sufficient to overcome rejections under 35 U.S.C. § 112, first paragraph.

(c) Examiner indicated that while he would most likely allow claims encompassing polypeptides isolated from microorganisms other than *Asp. fumigatus*, claims may need to be limited to specific strains. Applicants’ representatives argued that scope should not be limited because representative number of species tested (citing pages 45 and 76 of specification).

Claim 3:

Applicants’ representatives argued that homologues of SEQ ID NO: 8 are described and enabled by the specification. In particular, synthesizing and screening homologues entails routine not undue experimentation. Examiner indicated that written

description rejection would probably be withdrawn, but expressed reservations re enablement.

6. Indication of other pertinent matters discussed:

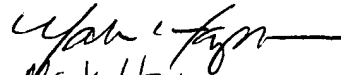
Examiner suggested that Applicants may wish to file Supplemental Amendment before next Office Action, in light of interview.

7. Results of Interview:

Applicants' representative will suggest that Applicants file Supplemental Amendment.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



for Mark Hayman, reg # 51, 793

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CUSTOMER NUMBER

Date: June 21, 2004